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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,948	04/27/2001	John Petry	C00-033 CON	9637
23459	7590	05/18/2007	EXAMINER	
COGNEX CORPORATION			STEELEMAN, MARY J	
INTELLECTUAL PROPERTY DEPARTMENT			ART UNIT	PAPER NUMBER
1 VISION DRIVE			2191	
NATICK, MA 01760-2077				
MAIL DATE		DELIVERY MODE		
05/18/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/842,948	PETRY ET AL.
	Examiner	Art Unit
	MARY STEELMAN	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 February 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-8,10-34,36-39,41-44,51-53 and 55-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-8,10-34,36-39,41-44,51-53,55-63 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to Claims and Remarks received 02/27/2007. Claims 1, 3-3-8, 10-34, 36-39, 41-44, 51-53, and 55-63 are pending. Claims 55 and 56 have been amended.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims has been considered but are moot in view of the new grounds of rejection.

#### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-3-8, 10-34, 36-39, 41-44, 51-53, and 55-63 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,608,638 B1 to Kodosky et al.

Per claims 1, 19, 22, 26, 39, 51, and 52:

A method comprising:

-selecting, at a first computer, at least one vision tool, said vision tool being remotely located from said first computer;

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-sending, via a communications network, image data, an indication of the vision tool that was selected, and at least one vision tool parameter corresponding to said vision tool, from the first computer to a remotely located second computer that includes the vision tool;

-validating said image data, said vision tool, and said at least one vision tool parameter, at said remotely located second computer;

-processing said image data at said remotely located second computer using the vision tool to produce a result;

-sending the result to a designated location.

Kodosky disclosed

Col. 3: 7, user may specify one or more images on which to run the algorithm

Col. 3: 20-32, user may input parameters

Col. 8:8-25 & FIG. 3, user creates image processing system, user to load and display an image, image processing functions are performed on an image, user to select and apply functions

Col. 10: 64, The images may be obtained from any of various sources.

Col. 12: 50 & FIG. 5, host computer 102, connects to one or more instruments, CPU, display screen, memory

Col. 15: 1-31, The memory medium may be comprised in the computer 102...or may be located on a second computer which is coupled to the computer 102 through a network, LAN, WAN, Internet...to provide the program instructions through the network...

Col. 15: 23-31, The instruments or devices are controlled by graphical software programs, optionally a portion of which execute on the CPU of the computer 102, and at least a portion of

which are uploaded to the programmable hardware element for hardware execution...perform data acquisition, analysis and / or presentation.

Col. 16: 35-38, The computer 102 may also include a network interface card for coupling to a network...

Col. 13: 55, The instruments are coupled to receive...

Col. 16: 66, data acquisition DAQ logic 204.

Col. 17: 19-21, Thus a graphical program can be created on the computer 102, or on another computer in a networked system

Col. 18: 1-5, any supervisory control portion of the graphical program which is necessary or desired to execute in machine language on a programmable CPU may be executed by the host CPU in the computer system 102 and is not executed locally by a CPU on the interface card 114.

Col. 21: 13-27, & FIG. 9, user selects various function icons...user also preferably assembles a user interface...comprising controls and indicators which indicate or represent input/output to/from (selecting, sending, receiving) the graphical program

Col. 10: 43-47, a computer system connected over a network, such as the Internet.

Per claims 3, 14, 15, 21, 23, 25, and 53:

-Image data sent via communications network / acquiring image / retrieving image

Kodosky disclosed (col. 8: 16-18), The user interface preferably enables a user to load and display an image, e.g., an image from a file or acquired from hardware device.

Per claims 4 and 34:

-client account information is sent along with at least one vision tool parameter that is sent from said first computer via said communications network to said remotely located second computer.

-validator to verify account information from said first computer

Kodosky disclosed (col. 3: 26-32), Other examples of possible categories include steps related to filtering functions...In various embodiments, the categories may be separated into any level of granularity as desired and may be customized by the user. Col. 3: 54-60, the generated program may utilize an image processing library that is associated with the image prototyping environment, e.g., a library that is provided by the vendor (proprietary) of the prototyping environment, so that the various image processing functions are implemented in the same way... Col. 14: 38-47, input may specify (validator) particular proprietary requirements (client account information).

Per claims 5, 6, 28, 29, 30, 41, 42:

-Communications network / WAN / Internet

Kodosky disclosed: Col. 15: 1-31, The memory medium may be comprised in the computer 102...or may be located on a second computer which is coupled to the computer 102 through a network, LAN, WAN, Internet...to provide the program instructions through the network...

Per claims 7, 8, 37, 38, 43, and 44:

-designated location to receive said analyzed result is said first computer

Kodosky disclosed:

Col. 10: 3-14, result output may be customized by the user

Col. 11: 61-62, display resulting image

Per claims 10, 17,18:

-vision tool parameter is entered at said first computer

Kodosky disclosed (col. 12: 62-63), user to specify various parameters or settings that apply to a particular image processing function.

Per claims 11, 12, 16, 56, 57, 60 and 61:

-acquiring said image data at said first computer / at said remotely located second computer

Kodosky disclosed (col. 10: 64), The images may be obtained from any of various sources.

Kodosky disclosed (col. 8: 16-18), The user interface preferably enables a user to load and display an image, e.g., an image from a file or acquired from hardware device.

Per claims 13, 58, and 59:

-acquiring includes retrieving said image data from an image acquirer using an acquisition command / from an image holder / from an image data location.

Kodosky disclosed (col. 8: 16-18), The user interface preferably enables a user to load and display an image, e.g., an image from a file or acquired from hardware device.

Col. 5: 45, images acquired from the video device 132. Col. 6: 48, data acquisition board 114.

Per claims 20 and 24:

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-configured to send said image data to said remotely located second computer to be used by said vision tool.

Kodosky:

Col. 8:8-25 & FIG. 3, user creates image processing system, user to load and display an image, image processing functions are performed on an image, user to select and apply functions

Col. 10: 64, The images may be obtained from any of various sources.

Col. 12: 50 & FIG. 5, host computer 102, connects to one or more instruments, CPU, display screen, memory

Col. 15: 1-31, The memory medium may be comprised in the computer 102...or may be located on a second computer which is coupled to the computer 102 through a network, LAN, WAN, Internet...to provide the program instructions through the network...

Col. 15: 23-31, The instruments or devices are controlled by graphical software programs, optionally a portion of which execute on the CPU of the computer 102, and at least a portion of which are uploaded to the programmable hardware element for hardware execution...perform data acquisition, analysis and / or presentation.

Per claims 27, 32, 33, 59, and 60:

-retrieves said image data from an image acquirer

Kodosky:

Col. 6: 48-67, data acquisition board 114, coupled to signal conditioning circuitry and computer

Col. 7: 23-35, an arrangement of networked computers

Col. 8: 17-19, The user interface preferably enables a user to load (retrieve) and display an image., e.g. an image from a file or acquired from hardware device.

Per claims 55, 62, and 63:

-entering at least one vision tool parameter at said first computer:

Kodosky disclosed (col. 15: 25-51), entering vision tool parameters.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

05/11/2007

*Mary Steelman  
Primary Examiner*